

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES EDWARD CURTIS,

Plaintiff,

v.

TERRY J. BENDA and WILLIAM E.  
RILEY,

Defendants.

No. 08-5109 BHS/KLS

ORDER GRANTING PLAINTIFF'S  
SECOND MOTION FOR CONTINUANCE  
TO RESPOND TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

Before the Court is Plaintiff's second motion for a sixty day extension of time to respond to Defendant Riley's motion for summary judgment on qualified immunity. ECF No. 156. Defendants oppose the motion. ECF No. 158. On December 15, 2010, Defendant Riley submitted his motion for summary judgment based on qualified immunity with a noting date of January 7, 2011. ECF No. 148. Plaintiff has already moved for and has been granted one extension of over 60 days to respond to Defendant Riley's motion, based on Plaintiff's assertion that he needed more time to conduct legal research. ECF Nos. 152 and 155. In his most recent request for an extension, Plaintiff states that he is confined to solitary where his access to legal research materials is limited and must be made through written requests to the prison's law library. ECF No. 156, p. 3. In addition, the MCC was recently on lock down status due to the murder of a guard and that has impeded Mr. Curtis' access to legal materials.

In light of Plaintiff's *pro se* status, limited access to legal materials, and out of an abundance of caution, the court will grant the additional sixty day extension in order to respond to Defendants' motion for summary judgment.

1 Accordingly, it is **ORDERED**:

2 (1) Plaintiff's motion for an additional extension of time to respond to Defendants'  
3 motion for summary judgment (ECF No. 156) is **GRANTED**.

4 (2) Plaintiff shall file his response to Defendants' motion for summary judgment  
5 (ECF No. 148) on or before **May 16, 2011**. Defendants' motion for summary judgment shall be  
6 **re-noted for May 20, 2011**.

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8 (3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

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10 DATED this 22nd day of March, 2011.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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